



General Assembly

February Session, 2010

Raised Bill No. 341

LCO No. 1536

01536_____TRA

Referred to Committee on Transportation

Introduced by:
(TRA)

***AN ACT CONCERNING THE LICENSING OF DRIVERS' SCHOOLS
AND DRIVING INSTRUCTORS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-69 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2010*):

3 (a) No person shall engage in the business of conducting a drivers'
4 school without being licensed therefor by the commissioner.
5 Application therefor shall be in writing and shall contain such
6 information as the commissioner requires. [Each applicant shall be
7 fingerprinted before such application is approved.] Each applicant for
8 a license or the renewal of a license shall be fingerprinted and shall be
9 subject to state and national criminal history records checks conducted
10 in accordance with section 29-17a, and a check of the state child abuse
11 and neglect registry established pursuant to section 17a-101k. If any
12 such applicant has a criminal record or is listed on the state child abuse
13 and neglect registry, a determination of whether to issue or renew a
14 license to conduct a drivers' school shall be made in accordance with
15 the standards and procedures set forth in section 14-44 and the
16 regulations adopted pursuant to said section. If the application is

17 approved, the applicant shall be granted a license upon the payment of
18 a fee of three hundred fifty dollars and a deposit with the
19 commissioner of cash or a bond of a surety company authorized to do
20 business in this state, conditioned on the faithful performance by the
21 applicant of any contract to furnish instruction, in either case in such
22 amount as the commissioner may require, such cash or bond to be held
23 by the commissioner to satisfy any execution issued against such
24 school in a cause arising out of failure of such school to perform such
25 contract. For each additional place of business of such school, the
26 commissioner shall charge a fee of eighty-eight dollars. No license
27 shall be required in the case of any board of education, or any public,
28 private or parochial school, which conducts a course in driver
29 education established in accordance with sections 14-36e and 14-36f. A
30 license so issued shall be valid [during the calendar year] for one year.
31 [The annual fee for renewal shall be the same amount and the same
32 deposit of security shall be required.] The commissioner shall issue a
33 license certificate or certificates to each licensee, one of which shall be
34 displayed in each place of business of the licensee. In case of the loss,
35 mutilation or destruction of a certificate, the commissioner shall issue a
36 duplicate upon proof of the facts and the payment of a fee of twenty
37 dollars.

38 (b) The annual fee for the renewal of a license shall be three
39 hundred fifty dollars and the annual renewal fee for each additional
40 place of business shall be eighty-eight dollars. If the commissioner has
41 not received a complete renewal application and all applicable renewal
42 fees on or before the expiration date of an applicant's license, the
43 commissioner shall charge such applicant, in addition to such renewal
44 fees, a late fee of three hundred fifty dollars.

45 Sec. 2. Section 14-73 of the general statutes is repealed and the
46 following is substituted in lieu thereof (*Effective October 1, 2010*):

47 (a) No person shall be employed by any such school licensee to give
48 instruction in driving a motor vehicle unless such person is licensed to

49 act as an instructor by the commissioner.

50 (b) Application for an instructor's license shall be in writing and
51 shall contain such information as the commissioner requires. The
52 applicant shall be fingerprinted and shall furnish evidence satisfactory
53 to the commissioner that such applicant (1) is of good moral character
54 considering such person's state and national criminal history [record]
55 records checks conducted in accordance with section 29-17a, and
56 record, if any, on the state child abuse and neglect registry established
57 pursuant to section 17a-101k, [, as obtained and reviewed by the
58 commissioner in accordance with the standards of section 14-44;] If any
59 applicant for a license or the renewal of a license has a criminal record
60 or is listed on the state child abuse and neglect registry, a
61 determination of whether to issue or renew an instructor's license shall
62 be made in accordance with the standards and procedures set forth in
63 section 14-44 and the regulations adopted pursuant to said section; (2)
64 has held a license to drive a motor vehicle for the past four consecutive
65 years and has a driving record satisfactory to the commissioner,
66 including no record of a conviction or administrative license
67 suspension for a drug or alcohol-related offense during such four-year
68 period; (3) has had a recent medical examination by a physician
69 licensed to practice within the state and the physician certifies that the
70 applicant is physically fit to operate a motor vehicle and instruct in
71 driving; (4) has received a high school diploma or has an equivalent
72 academic education; and (5) has completed an instructor training
73 course of forty-five clock hours given by a school or agency approved
74 by the commissioner, except that any such course given by an
75 institution under the jurisdiction of the board of trustees of the
76 Connecticut State University System [must] shall be approved by the
77 commissioner and the State Board of Education. During the period of
78 licensure, an instructor shall notify the commissioner, within forty-
79 eight hours, of an arrest or conviction for a misdemeanor or felony, or
80 an arrest, conviction or administrative license suspension for a drug or
81 alcohol-related offense.

82 (c) The commissioner may deny the application of any person for an
83 instructor's license if he determines that the applicant has made a
84 material false statement or concealed a material fact in connection with
85 his application for the instructor's license.

86 (d) The commissioner shall conduct such written, oral and practical
87 examinations as he deems necessary to determine whether an
88 applicant has sufficient skill in the operation of motor vehicles to
89 ensure their safe operation, a satisfactory knowledge of the motor
90 vehicle laws and the ability to impart such skill and knowledge to
91 others. If the applicant successfully completes the examinations and
92 meets all other requirements of this section, the commissioner shall
93 [cause him to be fingerprinted and shall] issue [to him] an instructor's
94 license to such applicant. The license shall be valid for use only in
95 connection with the business of the drivers' school or schools listed on
96 the license. If the applicant fails the examination, [he] such applicant
97 may apply for reexamination after three months have elapsed. The
98 license and the license renewal shall be valid for [the calendar] one
99 year. [within which it is issued, and renewals shall be for succeeding
100 calendar years.]

101 (e) The licensee shall be reexamined periodically in accordance with
102 standards specified in regulations adopted under section 14-78, as
103 amended by this act. Persons licensed for the first time as instructors
104 shall, in the three years following their initial licensure, attend
105 seminars, annually, in traffic safety sponsored by the Department of
106 Motor Vehicles or take an advanced instructor course of not less than
107 forty-five clock hours in traffic safety. The course shall have been
108 approved by the commissioner. Proof of compliance with the
109 requirement for attendance at seminars or the taking of instruction
110 shall be made before license renewals are issued. The seminars shall be
111 self-sustaining.

112 (f) The commissioner may establish, by regulations adopted in
113 accordance with the provisions of chapter 54, standards and

114 procedures for the training and licensing of master instructors who are
 115 qualified to train driving instructors. The provisions of subsection (b)
 116 of this section and section 14-74, as amended by this act, shall apply to
 117 master instructors.

118 ~~[(f)]~~ (g) The fee for an instructor's license, or for any renewal thereof,
 119 shall be fifty dollars. The fee for an instructor's license, or for any
 120 renewal thereof, shall be fifty dollars. The fee for a master instructor's
 121 license, or for any renewal thereof, shall be one hundred dollars. If the
 122 commissioner has not received a complete renewal application and fee
 123 on or before the expiration date of an applicant's license, such
 124 applicant shall be charged, in addition to the renewal fee, a late fee in
 125 an amount equal to the fee for such applicant's license.

126 Sec. 3. Section 14-74 of the general statutes is repealed and the
 127 following is substituted in lieu thereof (*Effective from passage*):

128 The commissioner may suspend, revoke or refuse to renew any
 129 instructor's license if: ~~[(a)]~~ (1) The licensee has made a material false
 130 statement or concealed a material fact in connection with his
 131 application for the license or any renewal thereof; ~~[(b)]~~ (2) the licensee
 132 has failed to comply with any of the provisions of ~~[this]~~ part VI of
 133 chapter 246 or any of the regulations ~~[of]~~ adopted by the
 134 commissioner, [establishing instructional standards of procedure,] in
 135 accordance with the provisions of chapter 54, pursuant to said part VI,
 136 ~~or [(c)]~~ (3) the licensee has been guilty of fraud or fraudulent practices
 137 in relation to securing for himself or another a license to drive a motor
 138 vehicle.

139 Sec. 4. Section 14-78 of the general statutes is repealed and the
 140 following is substituted in lieu thereof (*Effective from passage*):

141 The commissioner may adopt regulations, in accordance with
 142 chapter 54, for (1) the conduct of drivers' schools, including, but not
 143 limited to, requirements as to the inspection of the vehicles used by the
 144 drivers' schools in the conduct of their business, instructional

standards and procedures, including instruction of not less than fifteen minutes concerning the responsibilities of an operator of a motor vehicle under subsection (b) of section 14-223 and the penalty for a violation of the provisions of said subsection (b), the posting of rates charged for instruction, and the general form in which records shall be kept concerning persons under instruction and those who have completed their course of instruction, and (2) the establishment of requirements for a person to receive a license as an instructor in accordance with section 14-73, as amended by this act. [The regulations shall require that the commissioner issue a license to any person who meets the requirements of section 14-73 to act as an instructor in a classroom only, and not as an instructor behind the wheel of a vehicle, provided (A) the person has sufficient experience, as specified in the regulations, either in public safety, including, but not limited to, experience as a police officer or firefighter, or as a teacher, and (B) the person completes instructor training, as specified in the regulations] On and after October 1, 2010, the commissioner shall not issue a license that is limited to classroom instruction. Any person who was issued such limited license prior to October 1, 2010, may maintain and renew such license.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>July 1, 2010</i> | 14-69 |
| Sec. 2 | <i>October 1, 2010</i> | 14-73 |
| Sec. 3 | <i>from passage</i> | 14-74 |
| Sec. 4 | <i>from passage</i> | 14-78 |

Statement of Purpose:

To revise statutory provisions concerning drivers' schools and instructors. Requested by the Department of Motor Vehicles.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]